CASE OFFICER'S REPORT

Application References:	PL/2023/10277
Date Site Notice erected:	15/12/2023
Press Advert date:	21/12/2023
Publicity expiry:	21/02/2024

SITE CONSTRAINTS:

The application site is located in the Salisbury Community Area, within the defined settlement boundary of Salisbury, Salisbury Central Shopping Area, within Salisbury Conservation Area and a Primary Shopping Frontage.

The building is unlisted but is within the historic medieval Chequers area (New Street Chequer) of the Salisbury Conservation Area and within the setting of several listed buildings.

The site is at risk of flooding (identified to be within Flood Zones 2 and 3 of the EA flood maps) and is also identified to be at high risk of flooding from other sources in the LPA's Strategic Flood Risk Assessment (SFRA) where groundwater levels are between 0.025m and 0.5m below the ground surface (within this zone there is a risk of groundwater flooding to both surface and subsurface assets and there is the possibility of groundwater emerging at the surface locally).

The site is within the catchment of the River Avon Special Area for Conservation (SAC), and within the New Forest 13.8km Internationally protected sites zone of influence.

The building is five storeys high.



The current Use Classes were last updated on 1 September 2020 and Classes A1/2/3 and B1 were revoked, replaced by **Class E - Commercial, Business and Service**:

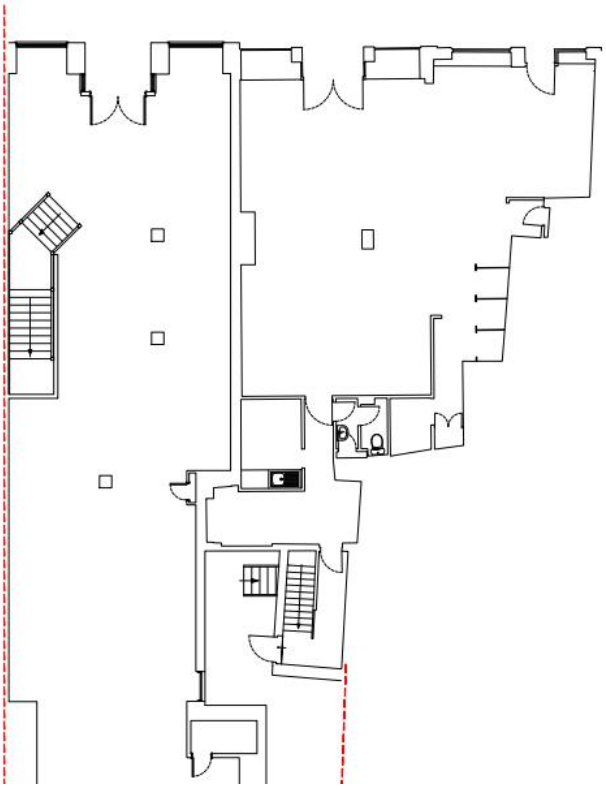
E(a) Display or retail sale of goods, other than hot food
E(b) Sale of food and drink for consumption (mostly) on the premises
E(c) Provision of:
E(c)(i) Financial services,
E(c)(ii) Professional services (other than health or medical services), or
E(c)(iii) Other appropriate services in a commercial, business or service locality
E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

E(f) Creche, day nursery or day centre (not including a residential use)
E(g) Uses which can be carried out in a residential area without detriment to its amenity:
E(g)(i) Offices to carry out any operational or administrative functions,
E(g)(ii) Research and development of products or processes
E(g)(iii) Industrial processes

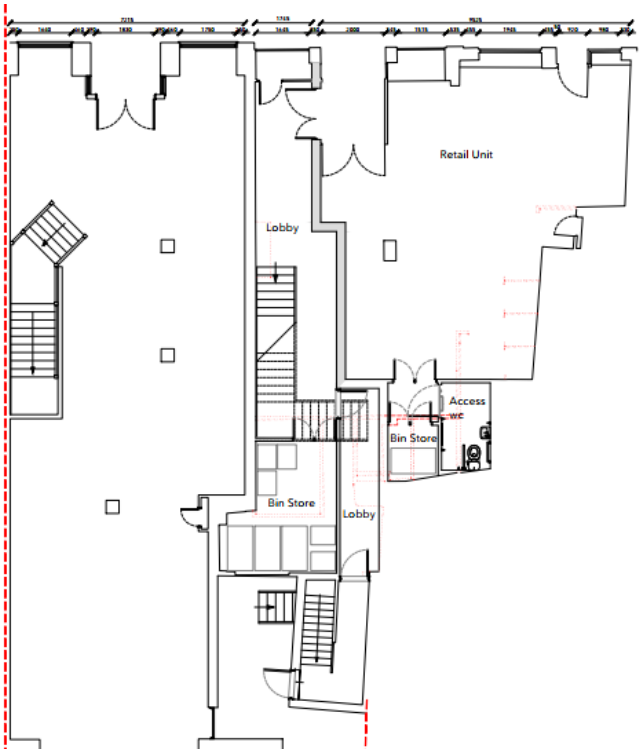
The ground and first floor are in former Class A1 retail use which now falls within Use Class E (the ground floor unit at no.7 occupies the majority of the first floor). The upper floor accommodation currently has no means of independent access and has therefore been used for a combination of ancillary retail accommodation and offices, all of which fall within Use Class E.

PROPOSAL:

The proposals are for alterations to the existing shopfront to provide an independent entrance doorway to serve the upper floors.



Existing floor plan



Proposed floor plan showing shopfront alterations

Amended plans have been submitted during the application, revising the entrance proposals to address objections.

The application was submitted concurrently with a Class MA application for 3-7 New Canal, SP1 2AA, which is presently a commercial premises, for conversion of the upper floors to residential, the decision of which is still pending. This application is a stand-alone application and is only considering the proposed alterations to the shopfront. If this application is approved, the use of the building remains unchanged. The supporting information submitted with the application explains:

'Notwithstanding the companion nature of this submission, the provision of separate and independent access to the upper floor accommodation is required irrespective of the outcome of the Class MA submission. The determination of the application should therefore be based in its individual design merits and any impact the limited loss of retail frontage might have.'

RELEVANT PLANNING HISTORY:

Application Reference	Description	Decision
PL/2023/10405	3 - 7 NEW CANAL, SALISBURY, Prior Approval Part 3, Class MA - Conversion of the second, third and fourth floors to provide a total of 11no. self-contained C3 flats including the creation of an entrance at ground floor level and including refuse and cycle storage	Pending
18/02618/ADV	3-5 New Canal Salisbury Proposal to paint outside of the store, as it currently stands (with no modifications) black, and two simple white ''Craghoppers' signs affixed above the windows. Two hanging projecting signs, black with white writing saying ''Craghoppers'' and ''Discover your World''	Finally disposed of 20/04/2023
18/02478/FUL	3-5 New Canal Salisbury Current retail outlet to be turned into Craghoppers Premium Outdoor Clothing Store. Proposal to paint outside of the store, as it currently stands (with no modifications) black, and two simple white ''Craghoppers' signs affixed above the windows. Two hanging projecting signs, black with white writing saying ''Craghoppers'' and ''Discover your World''	Finally disposed of 20/04/2023
S/1989/0984	5 New Canal Salisbury A/D Application - Non-Illuminated Hanging Sign, Internally Illuminated Fascia Sign	Decision issued 22/09/1992
S/1989/0983	5 New Canal, Salisbury New Shopfront for Shop Unit	Approve with Conditions 04/09/1989
S/1988/2370	3/5 NEW CANAL SALISBURY L/B Application - Removal of Existing Shop Front, Demolition of Single Storey Link In Rear Yard With Associated Minor Alterations To Rear Escape Stairs	Approve with Conditions 25/01/1989
S/1978/0253	3-5 New Canal, Salisbury, Single Storey Extension New Opening Between 5-7 And Adapt Shop Front Including New Fascia At 3,5 And 7 New Canal Road	Approve 26/04/1978
S/1978/0028LB	3-5 New Canal, Salisbury, Demolition of Brick Feature	Approve with Conditions 25/10/1978

	Reslating Of Roofs and Provision Of Guard Rail	

REPRESENTATIONS

Conservation Officer: Comments on revised plans: No objection - The amendments address my earlier concerns.

Comments on original plans: Object

The building's three shopfronts have variously served two and three retail units for a number of years, and was a single shop in the mid-C20. The building is a decent quality Victorian structure, well above the usual height limit for buildings, and makes a significant contribution to the streetscene of the CA and forms part of the setting of several listed buildings.

The proposal to convert the upper floors to residential makes better use of the building and in itself raises no concerns. The only external alteration is the proposed insertion of a separate access for residents. Clearly this is necessary as the current accesses to the first floor are through the shops.

The design of the access would remove the symmetrical treatment of the central shopfront, replacing one of the two shop windows with double doors into a N-S corridor. The size of the doorway is much larger than is usual for access to properties above retail premises, and has its own recess. This arrangement is more prominent and intrusive in the streetscene than it needs to be, and I would suggest an alternative: retain the windows but make the existing entrance recess deeper, forming a doorway into the N end of the corridor on the W side of the recess. The window display could be accessed through a secure door in its rear. The recess of the westernmost shop entrance (formerly Laura Ashley) is deeper than the others so the change wouldn't necessarily be out of place and doing it this way would greatly reduce the impact on the streetscene and the presentation of the retail premises.

I would of course be happy to discuss further prior to any formal revisions.

Salisbury City Council: Comments on revised plans: SCC has no comment to make on this application

Comments on original plans: Object
Salisbury City Council Objects developers should take the opportunity to restore symmetry to the ground floor

Third party representations: None received

POLICIES:

The following policies are considered the most relevant to proposals:

Development Plan Documents:

Wiltshire Core Strategy:
Core Policy 1 (Settlement Strategy)
Core Policy 2 (Delivery Strategy)
Core Policy 3 (Infrastructure Requirements)
Core Policy 20 (Development in the Salisbury Community Area)
Core Policy 57 (Ensuring high Quality Design and Place Shaping)
Core Policy 58 (Ensuring the conservation of the historic environment)
Core Policy 67 (Flood Risk)

Adopted Salisbury District Local Plan saved policies:
S1 – Primary Frontages
S10 – Shopfronts

Wiltshire Housing Site Allocations Plan (February 2020) (WHSAP)

Government Guidance:
National Planning Policy Framework (NPPF) December 2023
Planning Practice Guidance (PPG)
National Design Guide (NDG)

Supplementary Planning Documents/Guidance:

Adopted Salisbury City Central Area Framework 2020

Salisbury Conservation Area Appraisal

Historic England Advice Note 2 – Making changes to Heritage Assets

Historic England's The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

Salisbury District Local Plan 2011* | *Wiltshire Council:
Adopted 'Creating Places Design Guide' Salisbury 2006
Adopted 'Shopfronts & Advertisement Design' Salisbury 2004

Strategic Flood Risk Assessment (2019)

Wiltshire Design Guide (Draft)

Relevant statutes:

The Planning (Listed Buildings and Conservation Areas) Act 1990

- *Section 66: Special considerations affecting planning functions*
- *Section 72: General duty as respects conservation areas in exercise of planning functions*

ISSUES

- Principle
- Impact to the character and appearance of the area and setting of Heritage Assets
- Flood risk

PLANNING ASSESSMENT:

Principle:

The National Planning Policy Framework (NPPF) (2023) confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990); that the NPPF is a material consideration in planning decisions and planning policies and decisions must also reflect relevant international obligations and statutory requirements.

The proposals are therefore to be considered in the context of the NPPF and the development plan which comprises the adopted Wiltshire Core Strategy (WCS), which also includes some saved policies of the Salisbury District Local Plan (SDLP).

The statutory status of the local development plan is further reinforced at paragraph 47 of the NPPF and proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Other material considerations may include other local planning policy and guidance, the emerging Wiltshire Local Plan Review, UK government legislation or Written Ministerial Statements and national planning policy and guidance.

At the heart of the NPPF is a presumption in favour of sustainable development and the Settlement and Delivery Strategies of the Wiltshire Core Strategy (WCS) are designed to ensure new development fulfils the fundamental principles of sustainability. This means focusing growth around settlements with a range of facilities, where local housing, service and employment needs can be met in a sustainable manner. A hierarchy has been identified based on the size and function of settlements, which is the basis for setting out how the Spatial Strategy will deliver the levels of growth.

Core Policy 1 of the WCS sets out the 'Settlement Strategy' for the county, and identifies four tiers of settlement (Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages). Only the Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development/settlement boundaries.

Core Policy 2 of the WCS sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier, stating that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Salisbury is defined as a Principal Settlement and the site lies within the defined settlement boundary of Salisbury and is also within the Salisbury Central Area.

WCS Core Policy 1 states:
'*Wiltshire's Principal Settlements are strategically important centres and the primary focus for development. This will safeguard and enhance their strategic roles as employment and service centres. They will provide significant levels of jobs and homes, together with supporting community facilities and infrastructure meeting their economic potential in the most sustainable way to support better self-containment…'*

Both National and Local Planning Policies (in particular WCS Core Policy 38) aim to concentrate main town centre retail, other services and facilities uses in town and city centres, in order to maintain the vitality and viability of the town centres.

The town centre first approach is also highlighted in Sections 6 (Building a strong, competitive economy) and Section 7 (Ensuring the vitality of town centres) of the NPPF, being supportive of sustainable economic growth and advocating that significant weight should be placed on economic growth.

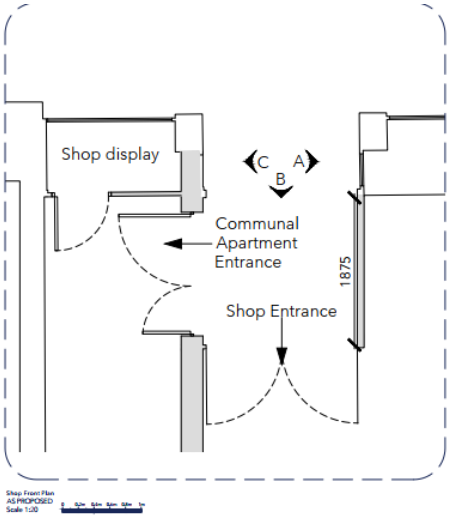
Saved policy S1 of the Salisbury District Local Plan supports the retention of ground floor retail premises by requiring proposals for nonshopping uses to demonstrate that they would not undermine the retail function of the city centre:

S1 Within Primary Frontages identified on the Proposals Map, the change of use of ground floor shop premises to non-shopping uses (Classes A2 and A3 of the Schedule to the Town & County Planning Use Classes Order 1987) will be permitted provided the proposed use would not undermine the retail function of the city or town centre. Each application will be assessed on its merits taking into consideration the following factors:
(i) its location and prominence within the shopping frontage;
(ii) the size and frontage width of the application premises;
(iii) the number, distribution and proximity of the existing ground floor premises with nonshopping uses and any outstanding planning permissions for non-shopping uses within the primary frontage;
(iv) the nature and character of the proposed use and the level of activity associated with it;
(v) the potential adverse impact, in particular on the amenities of the occupiers of nearby residences, by reason of noise, smell or other environmental problems; and
(vi) the maintenance of a window display at all times.

Within Salisbury City centre, in addition to the above criteria, changes of use will only be permitted where they will sustain and/or enhance the vitality and viability of shopping streets in primary areas.

The proposals will reduce the floor area of the ground floor retail unit; however, the supporting statement refers to this allowing *'the independent use of the upper floors which are currently vacant and have been underutilised due to limitations imposed through the absence of independent access.'*

The revised proposals also minimise the impact to the shop frontage by retaining the existing central entrance to the unit (but setting it back and creating an internal lobby area), with the separate entrance to access the upper floors inset. This has minimal impact on the external appearance of the shopfront and also maintains a window display across the frontage.





It is therefore considered that the proposals as a standalone application for alterations to the shopfront (as amended) is acceptable in principle.

The principle of development is also subject to compliance with other relevant planning policies and the normal range of material considerations that have to be taken into account when determining a planning application and a judgement is necessary in terms of all the development impacts considered below.

Impact to the character and appearance of the area and setting of Heritage Assets:

The NPPF states that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.... Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

The site is also located within the designated Salisbury Conservation Area and is attached to and within the setting of several listed buildings and is identified as a positive frontage on the extract from the Salisbury Conservation Area Appraisal:



The Planning (Listed Building and Conservation Areas) Act 1990 (sections 16 & 66) requires proposals affecting listed buildings or their settings to seek to preserve the special interest of the buildings and their settings. The principal considerations are to ensure that new development preserves the significance of listed buildings and their settings.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 16 of the NPPF outlines the government's policy in respect of the historic environment. Paragraph 205 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Paragraph 206 emphasises that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.

The NPPF defines the setting of a heritage asset as *'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'*

Historic England's The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), which says in Part 1: Settings and Views:
'*The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places….'*

In paying ‘special attention/regard’ to the Conservation Area and listed buildings and their settings, the NPPF requires an assessment as to whether the proposal causes ‘substantial harm’ or ‘less than substantial harm.

Core Policy 58 aims to ensure that Wiltshire’s important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire’s environment and quality of life. The policy seeks to conserve designated heritage assets and their setting as well as non- designated heritage assets that contribute to a sense of local character and identity.

Core Policy 57 also requires a high standard of design in all new development which is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Criteria (i), (iii) and (vi) specifically refer to development making a positive contribution to the character of Wiltshire through:

i. ‘Enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the exiting pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced.’

iii ‘Responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials streetscape and rooflines to effectively integrate the building into its setting.’

vi. ‘Making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area.

The Salisbury City Conservation Area Appraisal and Management Plan identifies that *‘Within most of the chequers the buildings form the four edges of each of the perimeter blocks form a group of considerable importance. Any change to one building is going to affect the setting of many others.’*

Saved Policy S10 and the supporting text of the Salisbury District Local Plan is also relevant to proposed alterations:
Salisbury and most of the local shopping centres are situated within Conservation Areas and retain old shopfronts, which contribute to the character of the street scene. The Local Planning Authority will seek to retain these, particularly where they incorporate recessed, curved or coloured glazing, moulded pilasters and frames and traditional fascias. Policies for shopfronts in Conservation Areas are contained within the Conservation Chapter. New shopfronts and alterations to existing ones should incorporate the needs of the disabled. The Local Planning Authority has published separate guidance on shopfront design in Salisbury.

Policy S10- Alterations to existing shopfronts will be permitted provided the proposed alterations respect the historic character and scale of the building or group of buildings.

The building is large and imposing on the street scene and the heritage assessment submitted with the application identifies that the building has symmetry:

The building was designed to have a clear symmetry comprising a central gable feature defining the central section of the building and two smaller features forming the outer edges of the building with recessed sections between. It would appear that a symmetrical arrangement was also carried through to the ground floor, but this is now lost as the ground floor spaces which might more naturally form three retail units, now form two. It is also likely that the changes to the ground floor retail units over time may have result in the loss of an entrance to the upper floor accommodation. As a result of this the upper floor commercial accommodation does not have any separate or independent access and is incapable of independent use

However, whilst unit 3 (previously separate units 3 and 5) have become 1 unit internally in floor plan, they retain the two shop front entrances (three across the entire building frontage):



The application originally proposed to create a new entrance directly from New Canal, with resultant significant changes to the shopfront symmetry.



Extract from original proposals

Following objections to this (from the conservation officer and city council), the plans were revised to the current proposals which have minimal impact on the shop frontage.

The conservation officer has no objections to the revised plans setting the entrance back creating a setback lobby; advising that they address earlier concerns and the City Council have made no comments. It is therefore considered that the revised proposals maintain the character and appearance of the area and setting of Heritage Assets.

Flood Risk

Paragraph 173 of the NPPF requires Flood Risk Assessments for all development in Flood Zones and 3, requiring to demonstrate that flood risk is not increased elsewhere and development is appropriately flood resistant and resilient:

173. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment59. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
d) any residual risk can be safely managed; and
e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
59 A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use

A Flood Risk Assessment (FRA) has been submitted with the application documentation which identifies that the site is within flood zone 3. Although the FRA is relevant to the Class MA proposals for conversion of the upper floors to residential (to which the Environment Agency have not commented on) and is not specific to this stand-alone application for the sole alterations to the shopfront; it concludes that *'Whilst the site area lies within a high flood zone, the proposed development will aim to not worsen the site nor increase risk of flooding in the future.*' It is considered that this is also true of the proposed standalone shopfront alterations.

The proposals do add another entrance doorway which in theory could increase flood risk to the site by creating an additional entry point and the FRA does not consider flood risk from all sources. However, as this stand-alone application does not introduce a more vulnerable use there are no requirements to require the FRA to consider this type of flood risk. It is considered that due to the minimal changes proposed, the increase to flood risk is minimal. It is considered that it would be appropriate to add an informative advising the applicant of the identified risk of groundwater flooding (and that they may wish to incorporate additional flood mitigation measures which may require separate planning consent).

RECOMMENDATION: Approve

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing Reference: 1679-P-01 Rev B Location Plan dated 17/11/2023, received by this office 27/11/2023
Drawing Reference: 1679-P-02 Rev A Existing Floor Plans dated 10/11/2023, received by this office 27/11/2023
Drawing Reference: 1679-P-101 Rev B Floor & Elevation Plans as Proposed dated 24/01/2024, received by this office 30/01/2024
Drawing Reference: 1679-P-103 Rev B Shop Front Plan as Proposed dated 29/01/2024, received by this office 30/01/2024
REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES TO APPLICANT:

Extent of development
This application only approves alterations to the existing shopfront to provide an independent entrance doorway to serve the upper floors. It does not approve any changes of use of the building, for which separate consent is required.

Groundwater flood risk
The site is identified to be at high risk of flooding from groundwater in the Strategic Flood Risk Assessment. The applicant may wish to consider/incorporate flood mitigation/resilient measures (which may require separate planning approval).